

EDWARD R. REINES (Bar No. 135960)
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3022
Facsimile: (650) 802-3100
edward.reines@weil.com

E. NORMAN VEASEY (*pro hac vice*)
WEIL, GOTSHAL & MANGES LLP
1201 North Market Street, Suite 1402
Wilmington, DE 19801
Telephone: (302) 656-1410
Facsimile: (302) 656-1405
e.normanveasey@weil.com

STEPHEN A. RADIN (*pro hac vice*)
MELISSA M. CARVALHO
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8770
Facsimile: (212) 310-8007
stephen.radin@weil.com

Attorneys for Defendants S. Robson Walton,
Jim C. Walton, James W. Breyer, David D.
Glass, Roland A. Hernandez, H. Lee Scott, Jr.,
Jack C. Shewmaker and Jose H. Villarreal

LYNNE C. HERMLE (Bar No. 99779)
MICHAEL A. APARICIO (Bar No. 206300)
ORRICK, HERRINGTON
& SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025-1015
Telephone: (650) 614-7400
Facsimile: (650) 614-7401
lhermle@orrick.com
maparicio@orrick.com

JAMES E. BURNS, JR. (Bar No. 53250)
PENELOPE A. GRABOYS (Bar No. 214742)
KENNETH P. HERZINGER (Bar No.
209688)
ORRICK, HERRINGTON
& SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759
jburns@orrick.com
pgraboyblair@orrick.com
kherzinger@orrick.com

Attorneys for Nominal Defendant
Wal-Mart Stores, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M.J. FURMAN, derivatively on behalf of WAL-
MART STORES, INC.,

Plaintiff,

v.

S. ROBSON WALTON, et al.,

Defendants,

- and -

WAL-MART STORES, INC., a Delaware
Corporation,

Nominal Defendant.

Case No. CV 06 3532 SBA

**STIPULATION AND ~~PROPOSED~~
ORDER RE DEFENDANTS' RESPONSE
AND BRIEFING SCHEDULE**

1 WHEREAS, on December 15, 2006, the parties stipulated and the Court approved a briefing
2 and hearing schedule for a motion to dismiss the Shareholder Derivative Complaint (“Complaint”)
3 by defendants (including nominal defendant Wal-Mart Stores, Inc.);

4 WHEREAS, on December 19, 2006, defendants filed their motion to dismiss the Complaint;
5 WHEREAS, on February 9, 2007, plaintiff responded to the motion to dismiss the
6 Complaint;

7 WHEREAS, on February 15, 2007, the Court approved nominal defendant Wal-Mart Stores,
8 Inc.’s substitution of Orrick, Herrington & Sutcliffe LLP for Wilson Sonsini Goodrich & Rosati, PC
9 as counsel;

10 WHEREAS, on February 28, 2008, the Court issued an Order rescheduling the hearing on
11 the motion to dismiss from April 17, 2007 to May 15, 2007, at 1:00 PM;

12 WHEREAS, given Orrick’s recent substitution into the case, plaintiff has agreed to extend
13 the date on which defendants’ reply brief in support of their motion to dismiss the Complaint is due
14 from March 12, 2007 to March 26, 2007;

15 THEREFORE, the parties hereby agree and stipulate, subject to the approval of this Court, to
16 the following:

17 1. Defendants shall file any reply brief in support of their motion to dismiss the
18 Complaint no later than March 26, 2007.

19 2. A hearing on Defendants’ motion to dismiss is scheduled for May 15, 2007, at 1:00
20 PM.

21
22 Dated: March 7, 2007
23 Respectfully submitted,
COTCHETT, PITRE, SIMON & MCCARTHY

24 By: /s/ Mark C. Molumphy
25 Mark C. Molumphy

26 Attorneys for Plaintiff M.J. Furman,
derivatively on behalf of Wal-Mart Stores, Inc.

27 //

28 //

1 Dated: March 7, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

2
3 By: /s/ Kenneth P. Herzinger
Kenneth P. Herzinger

4 Attorneys for Nominal Defendant
5 Wal-Mart Stores, Inc.

6 Dated: March 7, 2007

WEIL, GOTSHAL & MANGES LLP

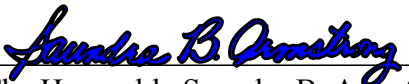
7
8 By: /s/ Edward R. Reines
Edward R. Reines

9
10 Attorneys for Defendants S. Robson Walton,
11 Jim C. Walton, James W. Breyer, David D.
12 Glass, Roland A. Hernandez, H. Lee Scott, Jr.,
13 Jack C. Shewmaker and Jose H. Villarreal
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

The foregoing joint Stipulation Re Defendants' Response And Briefing Schedule is approved and is so ordered.

Dated: 3/9/07


The Honorable Saundra B. Armstrong
United States District Court

1 I, Kenneth P. Herzinger, am the ECF User whose identification and password are being used
2 to file the joint Stipulation And [Proposed] Order Re Defendants' Response And Briefing
3 Schedule. In compliance with General Order 45.X.B, I hereby attest that Edward R. Reines and
4 Mark Molumphy have concurred in this filing.

5 Dated: March 7, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

6
7 By: /s/ Kenneth P. Herzinger
Kenneth P. Herzinger

8 Attorneys for Nominal Defendant
9 Wal-Mart Stores, Inc.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28